

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | | |
| DONNA WOOD, Individually and on behalf of | : | |
| those similarly situated, | : | |
| | : | No. 20 Civ. 2489 (LTS) (GWG) |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| MIKE BLOOMBERG 2020, INC., | : | |
| | : | |
| Defendant. | : | |
| -----X | | |

**DECLARATION OF MICHAEL PALITZ, ESQ. IN SUPPORT OF PLAINTIFFS’
MOTION FOR CLASS CERTIFICATION**

I, Michael Palitz, am over the age of 18 and am competent to testify to the following.

1. I am counsel for Plaintiffs and the Opt-In Plaintiffs in this action. I submit this declaration in support of Plaintiffs’ Motion for Class Certification.
2. I am a Partner with the Shavitz Law Group, P.A. (“SLG”) and am an attorney admitted to practice in this Court.
3. With co-counsel at Outten & Golden LLP (“O&G”), I have been one of the lawyers responsible for prosecuting Plaintiffs’ claims since the complaint was filed in 2020.
4. Since before the complaint was filed in 2020, SLG has worked with our co-counsel to handle all aspects of this litigation including the initial investigation, the drafting of the complaint, preparing discovery requests and responses, reviewing document productions, communicating with clients, drafting and revising numerous motions, performing legal research, assisting with appellate briefing, and obtaining documents from our clients for discovery.

Firm and Attorney Background

5. SLG has significant experience representing plaintiff employees in unpaid overtime misclassification cases such as this one. Since the firm was founded in 1999, it has recovered more than \$750,000,000 for our clients in unpaid wage and discrimination matters.

6. SLG's lawyers have collectively more than 100 years of experience representing workers in unpaid wage class and collective actions. SLG has successfully litigated cases throughout the United States on behalf of workers who, like the Plaintiffs here, were not paid overtime wages for overtime hours worked.

7. I am a Partner in SLG's New York office and have been with the firm since 2015. After receiving my Juris Doctor degree, *cum laude*, from Pace Law School in 2010 where I also served as the Editor-in-Chief of the Pace International Law Review, I was admitted to the New Jersey and New York Bars in June 2010 and September 2010, respectively. I am admitted to the U.S. District Courts for the District of New Jersey, the Eastern District of New York, the Southern District of New York, the Northern District of New York, the District of Colorado, the Western District of New York, and the Western District of Michigan. I have presented before the Suffolk County Bar Association on FLSA issues. Since graduating from law school, I have focused my practice exclusively on workers' rights and litigating complex wage and hour class and collective actions throughout the country, including trying a Fair Labor Standards Act collective action arbitration to a verdict for employees. I graduated from the College of the Holy Cross in 2005 with a B.A. and majored in Economics and History.

8. I have handled numerous class and collective actions in this Court and throughout the United States including being Class Counsel for Plaintiffs in overtime pay misclassification

class action cases such as: *Youngblood v. Family Dollar Stores, Inc.*, No. 10 Civ. 7580 (S.D.N.Y.) and *Jacob v. Duane Reade, Inc.*, No. 11 Civ. 0160 (S.D.N.Y.).

9. Gregg Shavitz, Esq. is the Managing Partner of Shavitz Law Group, P.A. Mr. Shavitz is a graduate of the University of Miami School of Law with an undergraduate degree from Tufts University. Mr. Shavitz is an experienced attorney and member of the Florida bar and of the bars of the U.S. District Court for the Southern District of Florida and the Florida Bar since 1994, and is also admitted to U.S. District Courts for the Middle and Northern Districts of Florida, the United States Eleventh Circuit Court of Appeals, and United States Third Circuit Court of Appeals, among other federal courts. Mr. Shavitz has lectured in the past at seminars sponsored by the Labor and Employment Section of the Florida Bar, and has spoken at the Labor and Employment Section Certification Review Seminar on two separate occasions as well as the Academy of Florida Trial Lawyers Workhorse Seminars. Mr. Shavitz has also been awarded Florida Trend Magazine's Legal Elite for various years including 2004, 2005, 2006, 2014, 2015, and 2020 in the area of Labor & Employment law; South Florida Legal Guide – Top Lawyer – Wage and Hour law – 2009-present; Top Lawyer Up and Comer – Wage and Hour law – 2004, 2006, and 2009; and South Florida Legal Guide – Top Lawyers List – 2009-present; among other awards and honors. Mr. Shavitz has also earned the distinction of Top Lawyer in Palm Beach Illustrated (2018, 2019, and 2020) and is a lifelong fellow of the Florida Bar Foundation. Mr. Shavitz has held the highest AV Peer Review Rating from LexisNexis Martindale-Hubbell for preeminent attorneys from 2000 to the present. Mr. Shavitz's practice concentrates on representing plaintiffs in FLSA cases. Since the founding of SLG in 1999, the firm has represented employees in employment-related matters, including claims based upon individual and class-wide violations of state and federal wage and hour laws in Florida and across the United States.

10. Tamra Givens is a Senior Associate at SLG and is an experienced litigator with 20 years of experience. Ms. Givens has represented employees nationwide in numerous class and collective actions for wage and hour claims and employment discrimination recovering tens of millions of dollars for workers throughout her career. Ms. Givens served as a law clerk to the Honorable James D. Whittemore, United States District Judge, United States District Court for the Middle District of Florida. Ms. Givens graduated *cum laude* from the University of Florida School of Law and was a member of the Florida Law Review.

11. Christine Duignan, Esq. is Of Counsel to SLG and has 32 years of legal experience. Ms. Duignan clerked for the Honorable Edward B. Davis of the Southern District of Florida. Ms. Duignan provides litigation and appellate support for the firm. Ms. Duignan's work focuses on complex class and collective actions and she has extensive experience handling in-depth motion practice including summary judgment motions and certification motions.

12. The attorneys at SLG have significant experience prosecuting wage and hour class and collective actions such as this one. In recent years, the firm has served or been appointed as class or collective counsel in the following collective or class action cases, among others:

Aboud v. Charles Schwab & Co., No. 14 Civ. 2712 (S.D.N.Y.);

Amador v. Morgan Stanley & Co, LLC, No. 11 Civ. 4326 (S.D.N.Y.);

Amaraut v. Sprint/United Management Company, No. 19-cv-411 (S.D. Cal.);

Ayala v. GEICO, No. 18 Civ. 03583 (S.D.N.Y.);

Beckman v. KeyBank, N.A., No. 12 Civ. 7836 (S.D.N.Y.);

Besic v. Byline Bank, Inc., et al., No. 15 C 8003 (N.D. Ill.);

Biscardi v. GEICO, No. 21 Civ. 2240 (D. Md.);

Biscoe-Grey v. Sears Holding Corp., No. 09-81408-Civ-Marra / Johnson (S.D. Fla.);

Blum, et al. v. Merrill Lynch & Co., Inc., No. 15 Civ. 1636 (S.D.N.Y.);

Briggs v. PNC Fin. Servs. Gr., No. 15 Civ. 10447 (N.D. Ill.);

Bucceri v. Cumberland Farms, Inc., No. 15-cv-13955 (D. Mass.);

Calabresi v. TD Bank, N.A., No. 13 Civ. 0637 (E.D.N.Y.);

Capalupi v. People's United Financial, Inc., No. 15 Civ. 5247 (E.D.N.Y.);

Cerrone v. KB Home Florida, LLC et al., No. 07-14402-Civ (S.D. Fla.);

Ciomcia v. Beall's Inc., No. 2:17-cv-14444 (S.D. Fla.);

Clem v. KeyBank, N.A., No. 13 Civ. 789 (S.D.N.Y.);

Danley v. Office Depot, Inc., et al., No. 9:14-cv-81469 (S.D. Fla.);

DeVries v. Morgan Stanley & Co. LLC, No. 12-CV-81223 (S.D. Fla.);

Fiore v. Goodyear Tire & Rubber Co., No. 2:09-CV-843-FtM-29SPC (M.D. Fla.);

Heitzenrater v. OfficeMax, Inc., No. 12 Civ. 900S (W.D.N.Y.);

Hernandez v. Merrill Lynch & Co., Inc., No. 11 Civ. 8472 (S.D.N.Y.);

Hirst, et al. v. M&T Bank, et al., No. 511428/2015 (N.Y. Sup. Ct.);

Hosier v. Mattress Firm, Inc., No. 10 Civ. 294 (M.D. Fla.);

Juric v. Dick's Sporting Goods, Inc., No. 20-cv-651 (W.D. Pa.);

Kampfer v. Fifth Third Bank, No. 14-cv-02849 (N.D. Ohio);

Koszyk v. Country Fin., No. 16 Civ. 3571 (N.D. Ill.);

Krokos v. Fresh Market, Inc., No. 16-cv-12082 (D. Mass.);

Kulauzovic v. Citibank, N.A., No. 507538/2018 (N.Y. Sup. Ct.);

Lauture v. A.C. Moore Arts & Crafts, Inc., No. 17-cv-10219 (D. Mass.);

Magee v. Francesca's Holdings Corp., No. 1:17-cv-00565 (D.N.J.);

Martinez v. Mobilelink, No. 20-cv-01149 (S.D. Tex.);

McCue v. MB Fin., Inc., No. 15 Civ. 988 (N.D. Ill.);

Nash v. CVS Caremark Corp., No. 09 Civ. 79 (D.R.I.);

*Palacio v. E*TRADE Fin. Corp.*, No. 10 Civ. 4030 (S.D.N.Y.);

Prena v. BMO Financial Corp., et al., No. 1:14-cv-09175 (N.D. Ill.);

Przytula v. Bed Bath & Beyond, Inc., No. 17 Civ. 5124 (N.D. Ill.);

Puglisi v. TD Bank, N.A., No. 13 Civ. 637 (E.D.N.Y.);

Raley v. Kohl's Corporation, et al., No. 8:09-cv-2340 (M.D. Fla.);

Reiburn v. Merrill Lynch & Co., Inc., No. 15 Civ. 2960 (S.D.N.Y.);

Rieske v. GEICO, No. 21 Civ. 04122 (E.D.N.Y.);

Robbins v. Abercrombie & Fitch Co., No. 15 Civ. 6187 (W.D.N.Y.);

Roberts v. TJX Cos., No. 13 Civ. 13142 (D. Mass.);

Romero v. Florida Power & Light Company, No. 6:09-cv-1401-Orl-35 (M.D. Fla.);

Saliford v. Regions Financial Corp. et al., No. 10-610310-CIV (S.D. Fla.);

Simpkins v. Pulte Home Corp., No. 6:08-cv-00130 (M.D. Fla.);

Snodgrass v. Bob Evans Farms, Inc., No. 12-cv-768 (S.D. Ohio);

Stallard v. Fifth Third Bank, et al., No. 2:12-cv-01092 (W.D. Pa.);

Varghese v. J.P. Morgan Chase, No. 20 Civ. 1897 (S.D.N.Y.);

Waggoner v. U.S. Bancorp, No. 14-cv-1626 (N.D. Ohio);

Watson v. BMO Financial Corp., No. 15-cv-11881 (E.D. Ill.);

Wright v. Flagstar Bank FSB, No. 13 Civ. 15069 (E.D. Mich.);

Yuzary v. HSBC Bank USA, N.A., No. 12 Civ. 3693 (S.D.N.Y.);

Zeltser v. Merrill Lynch & Co., No. 13 Civ. 1531 (S.D.N.Y.); and

Zolkos v. Scriptfleet, Inc., No. 12 Civ. 8230 (N.D. Ill.).

13. SLG and O&G have represented the Plaintiffs and putative classes on a contingency basis and have not been paid for their time worked on this matter for the last three and one-half years. SLG and O&G also have not been reimbursed for their costs to prosecute this case and have expended such monies on behalf of Plaintiffs and the putative classes.

14. If this Motion is granted and the case becomes a class action, SLG will continue to dedicate the firm's time and financial resources in the interests of the Plaintiffs and putative classes.

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: New York, New York
August 16, 2023

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael Palitz", enclosed within a rectangular border.

Michael Palitz, Esq.
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Attorneys for Plaintiffs